

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY HC D.C.

05 SEP 29 PM 3:09

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

TIMOTHY GREEN,

Plaintiff,

v.

MEMPHIS CITY GOVERNMENT,
MEMPHIS POLICE DEPARTMENT,
MAJOR O'BYRNES, in his
individual and official
capacities, LIEUTENANT
HIGHTOWER, in his individual
and official capacities,
LIEUTENANT BALLARD, in his
individual and official
capacities, and LIEUTENANT
EMBRY, in his individual
and official capacities,

Defendants.

No. 03-2991 M1/V

ORDER FOLLOWING STATUS CONFERENCE

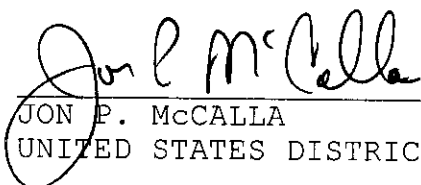
A telephonic status conference in this case was held on September 22, 2005. Representing Plaintiff at the conference was Wanda Abioto. Representing Defendant City of Memphis was Sharon Harless Loy. At the conference, the parties discussed the remaining defendants in the case, Defendants Embry and Ballard.

The Court granted Plaintiff's oral motion to voluntarily dismiss Defendant Embry under Fed. R. Civ. P. 41(a)(2).

Counsel for City of Memphis agreed to determine the date of Defendant Ballard's retirement, in order to determine whether he

was properly served. The Court has received notice that Defendant Ballard retired from the Memphis Police Department on October 14, 2002. Accordingly, the Court finds that service was not completed on Defendant Ballard pursuant to Fed. R. Civ. P. 4(m). Accordingly, Defendant Ballard will be dismissed from the case, and the case is dismissed with prejudice.

So ORDERED this 29th day of September, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 53 in case 2:03-CV-02991 was distributed by fax, mail, or direct printing on September 29, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT